

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Policies and Rules Concerning) CC Docket No. 94-129
Unauthorized Changes of Consumers')
Long Distance Carriers)

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NYNEX COMMENTS

The NYNEX Telephone Companies ("NYNEX") hereby comment on the Commission's Notice of Proposed Rule Making ("NPRM") in the above-captioned matter.

I. INTRODUCTION

In the NPRM, the Commission proposes rules prescribing the form and content of letters of agency ("LOAs").¹ The proposed rules are designed to protect consumers from unauthorized switching of their long-distance carriers, a practice commonly known as "slamming."²

¹ An LOA is a document, signed by the customer, which states that a particular long-distance carrier has been selected as that customer's primary interexchange carrier (PIC). NPRM, ¶ 1.

² NPRM, ¶ 20.

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Among other things, the proposed rules would require that a LOA be a separate document whose sole purpose is to authorize an interexchange carrier (IC) to initiate a PIC change.³ The LOA may not be combined with any promotional or inducement materials,⁴ must be clearly legible, and must contain clear and unambiguous language so that the customer understands the consequences of his/her decision to execute the LOA and change his/her PIC.⁵

NYNEX wholeheartedly supports the proposed rules and urges the Commission to expeditiously adopt them. We also recommend that the Commission take other steps to help reduce slamming.

II. THE PROPOSED RULES SHOULD BE ADOPTED WITH SOME ADDITIONS

As the Commission notes in the NPRM, slamming continues to be a problem throughout the industry. NYNEX continues to receive complaints from consumers who unknowingly authorized PIC changes in response to

³ See Proposed Rule § 64.1150(b).

⁴ See Proposed Rule § 64.1150(c).

⁵ See Proposed Rule § 64.1150(d).

unsolicited and misleading promotional materials that they received. These customers often blame NYNEX for making the PIC change.⁶

The proposed rules will help reduce slamming but do not go far enough. NYNEX recommends that the Commission also adopt the following proposals discussed in the NPRM:

A. The Commission should prescribe the text of the LOA, the LOA should be captioned appropriately, and the LOA should be entirely written in one language.⁷ Standardization will make it easier for LECs to resolve PIC disputes. Captioning the LOA and requiring that the LOA be entirely written in one language will help ensure that customers understand the significance of what they are signing.

B. Only the IC that actually sets the rates should be identified on the LOA.⁸ NYNEX believes that consumers will be confused if other ICs (e.g., the underlying facilities carrier) are also identified on the LOA.

⁶ Attached hereto is a complaint that NYNEX recently received from a consumer whose service was slammed by Matrix Telecom, a company that, according to the Commission, has used deceptive LOAs. See NPRM at n. 19.

⁷ See NPRM, ¶¶ 13, 18. NYNEX does not believe that it is necessary to prescribe the print font or print size of the LOA, or require that the phone number of the customer be preprinted on the LOA. See NPRM, ¶¶ 10, 13.

⁸ See NPRM, ¶ 14.

C. The LOA rules should be the same for business and residential customers.⁹ The purpose of the proposed rules is to help prevent “slamming” which affects business customers as well as residential customers.

D. The Commission should allow LECs to collect a PIC dispute charge from ICs that submit invalid PIC change orders. The New York Public Service Commission has authorized such a charge for intraLATA PIC orders.¹⁰ The imposition of such a charge would deter carriers from engaging in slamming.

The Commission also seeks comment on whether marketing inducements should be prohibited altogether or at least be mailed in an envelope separate from the LOA.¹¹ NYNEX does not believe that either of these proposals are necessary so long as the LOA is a separate document, written in clear and unambiguous language. Similarly, NYNEX sees no reason why carriers should be prohibited for using an 800 number as a means for soliciting PIC orders. In such situations, the Commission’s rules still require the IC to take steps to obtain a written LOA from the customer.

⁹ See NPRM, ¶ 15.

¹⁰ See Opinion and Order Concerning IntraLATA Presubscription, Opinion No. 94-11, Case 28425 (April 4, 1994) at pp. 48-51

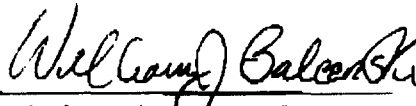
¹¹ See NPRM, ¶ 13.

III. CONCLUSION

For the reasons set forth herein, the Commission should adopt the proposed rules and the additional recommendations discussed in these Comments.

Respectfully submitted,

NYNEX Telephone Companies

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Dated: January 9, 1995
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9/16/94

Leah Klahr
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Raymond Burke
Executive Vice President
NYNEX
335 Madison Avenue
New York, N.Y. 10017

Re: (718) 871-7581
(718) 436-1231

Dear Mr. Burke:

Last March, a long distance company called Matrix Telecom notified NYNEX that we had requested them as our long distance carrier. NYNEX switched two of our phone lines without our authorization or knowledge. As a result, our personal 800 phone line was cancelled; our children, who live all over the USA were unable to reach us; and our 800 phone line is, to date, not straightened out. We have spent approximately 50 hours on the phone since March trying to get it back to the original plan we had. but it would never have been messed up in the first place had NYNEX not switched our long distance carrier. When we wrote to Matrix Telecom requesting credit for the difference in rates as well as the additional costs they caused us, our letter was returned unopened.

I find it difficult to understand why NYNEX would stoop to such underhanded methods to get a puny \$ 5.00 switching fee, yet I can't imagine any other logical reason that a legitimate company would switch anything belonging to a customer without that customer's authorization.

I must admit that if it were at all possible, I would gladly cancel NYNEX from all three of my phone lines.

Sincerely,

Leah Klahr
Leah Klahr

cc: Frederick Salano
Jeffrey S. Rubin
William C. Ferguson
Ivan G. Seidenberg